



2122

Form: PTO/SB/17 (Modified)

<b>REPLY/AMENDMENT FEE TRANSMITTAL</b>	Attorney Docket No.	95-427	
	Application Number	09/604,880	
	Filing Date	June 28, 2000	
	First Named Inventor	WHEELER	
	Group Art Unit	2122	
AMOUNT ENCLOSED	\$ 0	Examiner Name	GROSS, Kenneth A.

**FEE CALCULATION** (fees effective 10/01/2001)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	26	26	0 <sup>(3)</sup>	X \$18.00 =	\$0
INDEPENDENT CLAIMS	4	4	0	X \$84.00 =	\$0
Since an Official Action set an <u>original</u> due date of ____, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$400); 3 months (\$920); 4 months (\$1,440); 5 months (\$1,960)):					
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110)					+
Total of above Calculations =					\$0
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					-
TOTAL FEES DUE =					\$0

- (1) If entry (1) is less than entry (2), entry (3) is "0".  
(2) If entry (2) is less than 20, change entry (2) to "20".  
(4) If entry (4) is less than entry (5), entry (6) is "0".  
(5) If entry (5) is less than 3, change entry (5) to "3".

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OCT 07 2003

**METHOD OF PAYMENT**

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- ☐ Check enclosed as payment.  
☐ Charge "TOTAL FEES DUE" to the Deposit Account No., below.

**AUTHORIZATION**

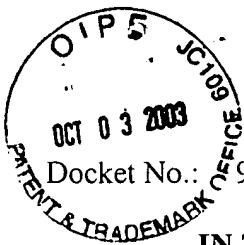
- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 CFR 1.16 or 1.17 necessary to maintain pendency of the present application to:

Deposit Account No.: 50-1130

OrderNo.: (Client/Matter) 95-427

**SUBMITTED BY: LEON R. TURKEVICH, ESQ.**

Typed Name	Leon R. Turkevich	Reg. No.	34,035
Signature		Date	October 3, 2003



Docket No.: 95-427

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#16  
Wheeler  
10/09/03

In re Application of

WHEELER, et al.

Serial No.: 09/604,880

Group Art Unit: 2122

Filed: June 28, 2000

Examiner: GROSS, Kenneth A.

For: GENERIC COMMAND INTERFACE FOR MULTIPLE EXECUTABLE ROUTINES

RESPONSE

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

OCT 07 2003  
Technology Center 2100

Sir: ;

In response to the Official Action mailed July 3, 2003, the following remarks are submitted.

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-26 are unchanged and remain pending in the application.

Claims 1, 10, 14, and stand rejected under 35 USC 102(e) in view of U.S. Patent No. 6,138,098 to Shiber et al. This rejection is respectfully traversed. The following is a comparison between the independent claims and the applied reference.

Independent claims 1, 10, 14 and 23 are directed to issuing commands for a selected one of multiple management programs having respective command formats, based on a received generic command from a user. In particular, each claim specifies that a generic command is validated based on identifying, within a command parse tree, an element as a best match relative to the generic command. Each independent claim also specifies that a prescribed command for a selected one of the management programs is issued based on the identified element: in particular,

claims 1 and 14 specify “issuing a prescribed command of a selected one of the management programs according to the corresponding command format, based on the identified one element”; claims 10 and 23 specify “a plurality of translators configured for issuing commands for the management programs according to respective command formats, the parser [or validating means] outputting a prescribed command to a selected one of the translators based on the identified one element”.

Hence, each of the independent claims specify that, upon identifying an element as a best match relative to the generic command, a prescribed command is issued for one of the management programs and according to the command format for the corresponding management program. These and other features are not disclosed in the applied reference, and as such distinguish the independent claims from the applied reference.

Scheiber et al. does not disclose “receiving a generic command from a user”, let alone “issuing a prescribed command of a selected one of the management programs according to the corresponding command format, based on the identified one element,” as specified in claims 1 and 14. Rather, Scheiber et al. discloses a method allowing a user to control a single computer application at a time using spoken commands. The spoken commands are converted by a speech recognition application 37 into at least one candidate word phrase; the candidate word phrase is parsed with a Context Free Grammar parser into a parse tree.

In particular, the candidate word phrase is based on the word ambiguity and speech misinterpretation that occurs in speech recognition, resulting in several possible different word phrases, each of which must be analyzed; hence, a context free grammar (CFG) parser 52 is

needed to identify a sequence of nouns, verbs, or adjectives (see, e.g., col. 5, line 52 to col. 6, line 8).

The CFG parser 52 outputs, for each possible word phrase candidate 42, a corresponding parse tree 54 representing the corresponding word phrase 42 input to the CFG parser 52 (col. 6, lines 8-12). Each parse tree 54 is then supplied to a rewriter, which uses rewrite rules to rewrite the parse tree 54 to generate a command string 72 (col. 6, lines 13-21). In particular, the rewriter 66 repeatedly rewrites a parse tree using a series of 'phases' 80: each phase 80 transforms the parse tree, and passes the output 82 on to the next phase 80 (col. 7, lines 49-54), until a command string 72 is generated.

Hence, Shieber et al. does not receive a generic command from the user, but rather a specific (spoken) command that is used to generate a candidate word phrase based on word ambiguity and speech recognition. The candidate word phrase is then processed through a parser to generate parse trees that are rewritten into a command string.

Hence, Shieber et al. does not disclose nor suggest receiving a generic command from the user, as claimed. Note that the broadest reasonable interpretation cannot be inconsistent with the specification, which describes the claimed "generic command" as based on "a generic instruction set that provides an abstraction of the tool-specific command formats and syntax, enabling a user to issue command based on the relative functions, as opposed to the specific syntax for a corresponding tool 18" (page 4, lines 19-22). Hence, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)).

Further, Shieber neither discloses nor suggests validating the generic command based on a command parse tree that specifies valid generic commands relative to a prescribed generic command format; rather, the parse trees are generated by Shieber et al. as candidate phrases having grammatical structure, which are then modified to generate a command string. The parse trees are therefore candidate phrases, and do not specify valid generic commands, as claimed. Hence, Shieber neither discloses that each command parse tree element specifies at least one corresponding generic command component and a corresponding action value, as claimed.

Finally, Shieber neither discloses selection of a management program, as claimed. As described above, the generic command provides an abstraction of command formats on a management program basis; hence, the command is for the selected management program according to the corresponding selected command format, based on the identified element.

The Official Action also fails to identify the presence of any management programs having respective command formats, where the generic command is mapped to a prescribed command for a selected management program having a corresponding command format.

For these and other reasons, the § 102(e) rejection of these claims must be withdrawn because the reference does not teach each and every element of these claims.

Claims 2-9, 11-13, 15-22, and 24-26 stand rejected under §103 in view of Shieber and U.S. Patent No. 6,397,283 to Hancock et al. This rejection is respectfully traversed.

The Official Action fails to provide evidence that one of ordinary skill in the art would have been motivated to modify Shieber to include the teachings of Hancock. In fact, Hancock is

not a related technology to Shieber, since Shieber is directed to speech recognition, and Hancock is directed to interfacing with logical device drivers with a computer.

Regardless, the hypothetical combination still would neither disclose nor suggest the claimed features. For example, Hancock neither discloses nor suggests the feature in claims 2, 11, 15, 24, of comparing each input command word to a command word translation table, configured for storing for each prescribed command word a corresponding token, for identification of a matching token, and determining a presence of a matching token within the command parse tree. Rather, Hancock teaches that the command table of Figure 6 includes “m” command entries, with each command entry having “n” tokens (col. 8, lines 51-54). Hence, Hancock neither discloses nor suggests a corresponding token for each prescribed command word, as claimed.

More fundamentally, the hypothetical combination neither solves nor addresses the problems contemplated by the inventor, namely enabling a simple command language to be utilized for control of multiple real time monitoring programs having respective command formats, or providing an arrangement that integrates multiple RTM programs and command and control functionality for a user, without the necessity of learning the respective command formats and syntax. An evaluation of obviousness must be undertaken from the perspective of one of ordinary skill in the art addressing the same problems addressed by the applicant in arriving at the claimed invention. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, 23 USPQ 416, 420 (Fed. Cir. 1986), cert. denied, 484 US 823 (1987). Thus, the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the benefits resulting from the claimed invention. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

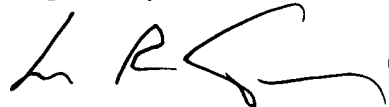
The Official Action fails to provide any recognition of the problems associated by the inventors, but merely asserts the naked argument that "a table allows for fast lookup and parsing of a command". Hence, the Official Action fails to establish a prima facie case of obviousness, because the hypothetical combination of Shieber et al. and Hancock, while possibly providing a more efficient speech recognition system, would neither disclose nor suggest the claimed system for executing a plurality of management programs according to respective command formats based receiving a generic command from a user.

For these and other reasons, the §103 rejection should be withdrawn.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-427, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', with a stylized flourish at the end.

Leon R. Turkevich  
Registration No. 34,035